

Judge Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9	UNITED STATES OF AMERICA,	)	
10	Plaintiff,	)	NO. CR06-379 RSM
11	v.	)	ORDER FOR NEW
12	DESMONE BASTIAN,	)	TRIAL DATE
13	Defendant.	)	
14	_____	)	

This matter having come before the undersigned Court by joint motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and the defendant through counsel, Jeffrey A. Lustick, the Court being fully advised in the matter, now finds that

The trial was scheduled for February 5, 2007. The defendant will waive speedy trial rights until July 31, 2007, which is beyond the new trial date of July 16, 2007. The motion is made because of a substitution of defense counsel, a continuing investigation including gathering records and evidence from a foreign country with the resulting scheduling difficulty putting on evidence before the Grand Jury hearing this matter in anticipation of a superseding indictment, and is made because of schedule conflicts with counsel. Counsel have been diligent in addressing this matter and the parties believe that this continuance is necessary so counsel can discuss resolution of this matter.

1 The Court is aware that time limitations for trial and speedy trial concerns are set  
2 forth in Title 18, United States Code, Section 3161.

3 Section 3161(h) outlines the periods of excludable time, including:

4 (8)(A) Any period of delay resulting from a continuance  
5 granted by any judge on his own motion or at the request of  
6 the defendant or his counsel or at the request of the attorney  
7 for the Government, if the judge granted such continuance on  
8 the basis of his findings that the ends of justice served by  
9 taking such action outweigh the best interest of the public and  
10 the defendant in a speedy trial. No such period of delay  
11 resulting from a continuance granted by the court in  
12 accordance with this paragraph shall be excludable under this  
13 subsection unless the court sets forth, in the record of the  
14 case, either orally or in writing, its reasons for finding that the  
15 ends of justice served by the granting of such continuance  
16 outweigh the best interests of the public and the defendant in  
17 a speedy trial.

12 In this matter, the Court finds that further time is reasonable and necessary as the  
13 requested time is within the speedy trial time period. Further, that the ends of justice are  
14 served by the requested continuance as this trial. This case has few civilians witnesses  
15 and no specific victims, therefore the rights of victims to a speedy trial are not affected by  
16 this continuance. Therefore, the trial date is continued from February 5, 2007 until  
17 July 16, 2007.

18 Dated this 30 day of January, 2007.

19 

20 RICARDO S. MARTINEZ  
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23 s/Susan M. Roe  
24 SUSAN M. ROE  
25 Assistant United States Attorney

26 s/Jeffrey A. Lustick  
27 JEFFREY A. LUSTICK  
28 Attorney for the Defendant